

**Explanatory Note**  
**Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)**  
**and**  
**AID Investment Pty Ltd (ACN 615 535 647)**  
**Draft Planning Agreement**

**Introduction**

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

**Parties to the Planning Agreement**

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468) (the **Minister**) and AID Investment Pty Ltd (ACN 615 535 647) (the **Developer**).

**Description of the Subject Land**

The Planning Agreement applies to Lot 1 in Deposited Plan 940496 known as 65-79 Railway Road, Warnervale 2259 (**Subject Land**).

**Description of the Proposed Development**

The Developer is seeking to subdivide the Subject Land, in two stages, into approximately 19 lots, comprising of 17 residential lots, (of which one (1) lot is proposed for multi dwelling housing development consisting of 22 townhouses) and two (2) residue lots containing a dam and vegetation, and associated infrastructure, generally in accordance with the plan in Schedule 7 and DA DA/377/2021 lodged with Central Coast Council. (**Proposed Development**).

The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

An indicative plan of the Proposed Development is at the end of this explanatory note.

**Summary of Objectives, Nature and Effect of the Planning Agreement**

The Planning Agreement provides that the Developer will make a monetary contribution of \$115,893 per hectare of net developable area (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of the *Wyang Local Environmental Plan 2013* (**LEP**).

An instalment of the Development Contribution will be payable prior to the issue of each relevant subdivision certificate in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a \$20,000 bank guarantee in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure referred to in clause 6.1 of the LEP.

No relevant capital works program by the Minister is associated with the Planning Agreement.

## **Assessment of Merits of Planning Agreement**

### **The Public Purpose of the Planning Agreement**

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services;
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes an appropriate contribution towards the provision of infrastructure, facilities and services.

### **How the Planning Agreement Promotes the Public Interest**

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the Subject Land.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who will ultimately use it.

### **Requirements relating to Construction, Occupation and Subdivision Certificates**

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate or an occupation certificate.

The Planning Agreement requires an instalment of the Development Contribution to be paid prior to the issue of the relevant subdivision certificate and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 6.15(1)(d) of the Act.

### **Indicative Plan of the Proposed Development**

See following page.

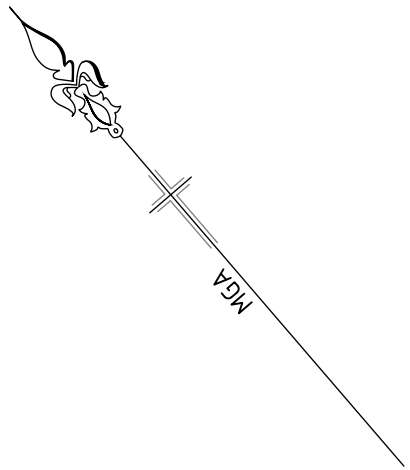
STARLET ROAD

ROAD

ROAD

PROPOSED

RAILWAY



LEGEND & NOTES

RESIDENTIAL LAND (LOTS 1 - 17) - INCLUDED IN NDA

NET DEVELOPABLE AREA (LOTS 1 - 17) = 9488m<sup>2</sup> (TOTAL)

ENVIRONMENTALLY CONSTRAINED LAND & DRAINAGE RESERVE  
(TO BE DEDICATED TO COUNCIL)

AREA TO BE DEDICATED (LOTS 18 - 19) = 2822m<sup>2</sup> (TOTAL)

NAME: NICHOLAS LEE THOMPSON  
COMPANY: BEVERIDGE WILLIAMS  
DATE: 8/5/2024

SIGNATURE: *N. Thompson*  
SURVEYOR, REGISTERED UNDER THE SURVEYING  
AND SPATIAL INFORMATION ACT 2002

NOTES:

- THESE NOTES AND LEGEND (IF SHOWN) FORM PART OF THE PLAN AND MUST BE REPRODUCED IN FULL WITH THE PLAN IN ANY REPRODUCTION IN WHOLE OR PART.
- THE CAD FILE USES METRES AS ITS BASE UNIT AND IS IN A "GROUND" COORDINATE SYSTEM IF THE SURVEY IS STATED AS MGA. ANY POINT IN THE FILE WILL BE AN APPROXIMATE MGA COORDINATE.
- THE SURVEY INFORMATION SHOWN HERE WAS PREPARED FOR A SPECIFIC PURPOSE FOR THE CLIENT SHOWN. THIS INFORMATION IS NOT INTENDED TO BE USED FOR ANY OTHER PURPOSE OR BY ANYONE NOT AUTHORISED BY THIS CLIENT.
- BOUNDARY DIMENSIONS AND AREAS HAVE BEEN DETERMINED BY CURRENT CADASTRAL PLANS INFORMATION SHOWN ON THIS PLAN IS SUBJECT TO FINAL SURVEY.
- THE TITLE TO THE SUBJECT LAND HAS BEEN REVIEWED AND FOUND TO INCLUDE SERVICES OVER THE PRESERVED RIGHTS & CONDITIONS IN THE CROWN GRANT AND LAND EXCLUDES MINERALS.

1074  
DP123456789

1036  
DP123456789

1037  
DP123456789

1038  
DP123456789

1039  
DP123456789

1040  
DP123456789

1041  
DP123456789

1042  
DP123456789

1043  
DP123456789

16  
253m<sup>2</sup>

15  
206m<sup>2</sup>

14  
261m<sup>2</sup>

13  
304m<sup>2</sup>

12  
228m<sup>2</sup>

11  
246m<sup>2</sup>

10  
211m<sup>2</sup>

9  
200m<sup>2</sup>

8  
226m<sup>2</sup>

7  
207m<sup>2</sup>

6  
231m<sup>2</sup>

5  
231m<sup>2</sup>

4  
274m<sup>2</sup>

3  
209m<sup>2</sup>

2  
202m<sup>2</sup>

1  
252m<sup>2</sup>

18  
1701m<sup>2</sup>

19  
1231m<sup>2</sup>

1  
DP123456789

2  
DP123456789

| VER | BY   | AMENDMENTS                | DATE     |
|-----|------|---------------------------|----------|
| A   | E.D. | INITIAL ISSUE             | 30.07.24 |
| B   | N.T. | UPDATING DEVELOPABLE AREA | 8.05.24  |
| C   |      |                           |          |
| D   |      |                           |          |
| E   |      |                           |          |
| F   |      |                           |          |
| G   |      |                           |          |

|  |  |
|--|--|
| BEFORE YOU DIG<br>SEARCH & RECORDING   |  |
| THE PROVISION OF SERVICES SHOWN ON THIS DRAWING ARE INDICATIVE ONLY AND HAVE BEEN<br>• PLOTTED FROM PLANS AND DRAWINGS SUPPLIED BY RELEVANT AUTHORITIES<br>• SERVICE AUTHORITY PITS, MARKERS, POLES, MARKER POSTS, ETC., WHERE SHOWN AT TIME OF SURVEY, HAVE<br>BEEN ASSUMED TO BE IN PLACE AND HAVE NOT BEEN VERIFIED BY THE SURVEYOR.<br>• SERVICES INFORMATION SHOWN ON THIS DRAWING HAS BEEN OBTAINED THROUGH A BEFORE YOU DIG AUSTRALIA SEARCH<br>AND IS VALID FOR THE PERIOD OF TIME FROM THE DATE OF ISSUE NOMINATED BY THE AUTHORITY.<br>• THE SURVEYOR ACCEPTS NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED AND THE USER<br>AND CONTRACTORS TO APPLY FOR AND OBTAIN UP TO DATE PLANS THROUGH A NEW BEFORE YOU DIG AUSTRALIA SEARCH AND TO<br>CONTACT ALL THE RELEVANT AUTHORITIES TO ESTABLISH AND CONFIRM THE DETAILED LOCATION AND DEPTH OF ALL UNDERGROUND<br>SERVICES. |  |

|         |                         |
|---------|-------------------------|
| CLIENT: | AID INVESTMENTS PTY LTD |
|---------|-------------------------|

|   |   |
|---|---|
|  | <b>Beveridge Williams</b><br>Land Development Consultants<br>Registered Surveyors<br>www.beveridgewilliams.com.au |
|---|---|

|          |  |
|----------|--|
| DETAILS: | NDA PLAN FOR<br>PROPOSED SUBDIVISION OF<br>LOT 1 DP940496<br>65-79 RAILWAY ROAD, WARNERVILLE |
|----------|--|

|                                    |                  |
|------------------------------------|------------------|
| SCALE                              | 1:300            |
| ORIGINAL SHEET SIZE                | A1               |
| CAD REFERENCE                      | 1801670-SK-001-B |
| SCALE ON ORIGINAL DRAWING AT 1:300 | 0 6 12 18        |

|                   |      |
|-------------------|------|
| SURVEYOR:         | N/A  |
| DRAWN:            | N.T. |
| CHECKED:          | N.T. |
| SURVEY DATE:      | N/A  |
| VERTICAL DATUM:   | N/A  |
| HORIZONTAL DATUM: | MGA  |

|              |         |
|--------------|---------|
| PROJECT No.  | 1801670 |
| DRAWING REF. | SK-001  |
| VERSION      | B       |
| SHEET        | 1 OF 1  |